

Tom Coburn SL 12-17-12
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AMENDMENT NO. _____ Calendar No. _____

Purpose: To require merit-based and competitive awards of disaster recovery contracts.

IN THE SENATE OF THE UNITED STATES—112th Cong., 2d Sess.

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GPO: 2010 68-070 (mac)

AMENDMENT intended to be proposed by Mr. COBURN

Viz:

- 1 After section 1105, insert the following:
- 2 SEC. 1106. (a) PROHIBITION ON USE OF FUNDS FOR
- 3 FUTURE DISASTER RECOVERY CONTRACTS NOT COM-
- 4 PETITIVELY AWARDED.—Amounts appropriated or other-
- 5 wise made available by this Act may not be obligated or
- 6 expended for any contract awarded after the date of the
- 7 enactment of this Act in support of disaster recovery if
- 8 such contract was awarded using other than competitive
- 9 procedures as otherwise required by chapter 33 of title 41,
- 10 United States Code, section 2304 of title 10, United
- 11 States Code, and the Federal Acquisition Regulation.

1 (b) CURRENT NO-BID CONTRACTS.—

2 (1) REVIEW OF CONTRACTS.—Not later than
3 60 days after the date of the enactment of this Act,
4 Federal agencies shall conduct a review of all con-
5 tracts to support disaster recovery that were award-
6 ed before the date of the enactment of this Act using
7 other than competitive procedures in order to deter-
8 mine the following:

9 (A) Whether opportunities exist to achieve
10 cost savings under such contracts.

11 (B) Whether the requirements being met
12 by such contracts can be met using a new or
13 existing contract awarded through competitive
14 procedures.

15 (2) COMPETITIVE AWARD OF CONTRACTS.—If a
16 Federal agency determines pursuant to the review
17 under paragraph (1) that either subparagraph of
18 that paragraph applies to a contract awarded using
19 other than competitive procedures, the agency shall
20 take appropriate actions with respect to the con-
21 tract, whether to achieve cost savings under the con-
22 tract, to use a new or existing contract awarded
23 through competitive procedures to meet applicable
24 requirements, or otherwise to discontinue of the use
25 of the contract.